

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIYUKI TAKASE

Appeal No. 1998-1106
Application No. 08/593,110

ON BRIEF

Before HAIRSTON, JERRY SMITH, and LALL, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 13.

The disclosed invention relates to a data logging apparatus for use as control equipment in a facility or machine.

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Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A data logging apparatus for use as control equipment in a facility or machine, comprising:

a plurality of programmable logic controllers connected to each other through communications links, one of said programmable logic controllers being an administrative programmable logic controller which includes a memory; and

a factory automation (FA) controller connected to said administrative programmable logic controller through a communications link,

said administrative programmable logic controller executing a data logging program which accumulates in said memory data generated by the administrative programmable logic controller and data generated by others of said programmable logic controllers, and which sends data accumulated in said memory to said FA controller, such that said administrative programmable logic controller acts as a buffer between said plurality of programmable logic controllers and said FA controller.

The references relied on by the examiner are:

Burke	4,972,367	Nov. 20, 1990
Kabe ¹	4201361	Aug. 6, 1992
(German Patent Application)		

Claims 1 through 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kabe in view of Burke.

¹ A copy of the translation of this reference is attached.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

The obviousness rejection of claims 1 through 13 is sustained as to claims 1 and 5, and is reversed as to claims 2 through 4 and 6 through 13.

According to appellant (brief, page 6):

Independent claim 1 requires an administrative programmable logic controller (ADPLC) which executes a data logging program that accumulates in the memory of the ADPLC, data generated by the ADPLC and data generated by other programmable logic controllers, and which sends the accumulated data to an FA controller, such that the ADPLC acts as a buffer between the FA controller and the other PLCs. No combination of Kabe and Burke suggests an ADPLC meeting these limitations.

Appellant's arguments (brief, pages 6 through 9) to the contrary notwithstanding, Kabe discloses (Figures 1 and 3) a PLC master station 11 that acts as a buffer between the programmable logic controllers 14 and 15 and the FA function that is performed by the processing computer 3. The PLC master station² by virtue of its status as a master in a

² On page 2556 of the excerpt from the Van Nostrand's Scientific Encyclopedia attached to the reply brief, it is noted that when PLCs are connected in a master/slave

master/slave relationship performs a data logging function when it receives, stores and retransmits data that flows back and forth between the FA and the PLCs (translation, pages 3, 4, 7 and 9). Accordingly, the obviousness rejection of claim 1 is sustained because all of the limitations of claim 1 read on the teachings of Kabe. In affirming a multiple reference rejection under 35 U.S.C. § 103, the Board may rely on less than the total number of references relied on by the examiner. In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 266-67 (CCPA 1961); In re Boyer, 363 F.2d 455, 458, n.2, 150 USPQ 441, 444, n.2 (CCPA 1966). The teachings of Burke are merely cumulative to those found in Kabe.

The obviousness rejection of claim 5 is sustained pro forma because appellant has not presented any arguments challenging the propriety of the examiner's rejection of this claim.

configuration in a network "there is only one master PLC. The master sends commands out to the other slave PLCs, and they respond appropriately. The slaves on the network never initiate their own commands--they always respond to what the master commands them to do." At page 2551, the same excerpt clearly shows that PLCs have memory.

Turning next to the obviousness rejection of claim 2, the examiner is of the opinion (answer, page 5) that "the applicant's program data preparing means is taught by the application programs stored in the cell controlling computer 40 of Burke."

A review of Burke does not reveal such a program data preparing means that functions in the manner set forth in claim 2. Thus, the obviousness rejection of claim 2 and its dependent claims 3 and 6 through 13 is reversed because we agree with the appellant (brief, page 10) that "Kabe and Burke simply do not disclose or suggest the data logging programs and the program data preparing means required by claim 2."

Turning lastly to claim 4, the obviousness rejection of this claim is reversed because we can not find any evidence of a "logging setting means for setting a trigger condition section and a processing section in the FA controller, wherein said logging setting means is set in a ladder format" in the teachings and suggestions of Kabe, and because the examiner's rejection does not specifically address this claim.

DECISION

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The decision of the examiner rejecting claims 1 through 13 under 35 U.S.C. § 103(a) is affirmed as to claims 1 and 5, and is reversed as to claims 2 through 4 and 6 through 13. Accordingly, the decision of the examiner is affirmed-in-part.

No period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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JERRY SMITH)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS
)	AND
)	INTERFERENCES
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)	
PARSHOTAM S. LALL)	
Administrative Patent Judge)	

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Application No. 08/593,110

APJ HAIRSTON

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DECISION: AFFIRMED-IN-PART
Send Reference(s): Yes No
or Translation (s)
Panel Change: Yes No
Index Sheet-2901 Rejection(s):

Prepared: May 20, 2002

Draft Final

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PALM / ACTS 2 / BOOK
DISK (FOIA) / REPORT